

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL BEVERAGE CORPORATION,

Plaintiff,

- against -

OAK BEVERAGES, INC.; VICTORIA BEVERAGE,
INC.; and DEALY & SILBERSTEIN, LLP
(solely in its capacity as Escrow Agent),


Defendants.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

It having been reported to this Court that this case has
been settled, it is

ORDERED that the above-captioned action be, and hereby is,
dismissed without costs and without prejudice to restoring the
action to this Court's calendar if the application to restore the
action is made within 30 days.

DATED: New York, New York
August 28, 2008



~~NAOMI REICE BUCHWALD~~
UNITED STATES DISTRICT JUDGE